

H. B

THE LATTER-DAY SAINTS' MILLENNIAL STAR.

*"Honor the Lord with thy substance, and with the first fruits of all thine increase :
So shall thy barns be filled with plenty, and thy presses shall burst out with new wine."*
—PROVERBS.

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Price One Penny.

AMERICAN INDIANS.

BY ELDER HENRY EYRING.

I have pleasure in taking my pen to dwell upon a subject which at the present time, and under existing circumstances, cannot fail to be interesting to the readers of the STAR; I allude to the American Indians, and more especially those nations among whom I labored as a missionary from 1855 to 1860.

At the General Conference held in Salt Lake City, April, 1855, many brethren were called as missionaries to the Indians in Utah and the adjoining Territories, also to those residing in the "Indian Territory." A considerable effort was made to spread the principles of truth among those Lamanites, without effecting, however, but very little good. Some of those missions had to be broken up on account of the hostility manifested by the Indians; others were abandoned because of the indifference of the natives to obey the truth; and since 1860, so far as I am acquainted with facts, no regular missions have been kept up by the Church among any of the tribes on the American Continent. It is true that our people, under the wise direction of President Brigham

Young, have endeavored to exercise a civilizing influence with the natives of Utah Territory, and as far as our settlements have stretched beyond that Territory; yet, so far as the preaching of the Gospel among them is concerned, no very considerable effort has been made since the above mentioned period.

All at once the Lord's time has come to fulfill the promises which he has made to the remnants of the house of Jacob, through their forefathers on the Land of Joseph. Heavenly messengers, according to their own statements, appear and hold converse with those degenerate sons of a once mighty and enlightened race; the truth bursts forth, and the dark minds of Laman's sons are suddenly illuminated by its inspiring light; they confess their sins, make a covenant before God to serve him, and whole tribes of them are baptized into the kingdom of heaven, and all this through the power of God, and to fulfill the promises made to their fathers. The former labors and testimonies of scores of the Elders were seemingly unattended with any very great success, but now, without

the agency of any of our people, God in his own due time accomplishes in a few days that which we have sought to accomplish during our many years' acquaintance with them.

When we also consider that various "Christian denominations" have endeavored for centuries to Christianize the Indians, without ever having much success among them, except perhaps with those who, through their intermarrying with the whites, have lost most of their Indian nationality and their peculiar characteristics; we cannot fail to see, that upon the whole, it has been a difficult task to get them to take an interest in religious matters; therefore, who can but see that God has a hand in the recent wholesale conversion of that interesting people, and that another powerful evidence is being added in proof of the divinity of the Book of Mormon.

We see in those late events that God is beginning to unite the hearts of the Lamanites, and that we may confidently, and at an early date, look forward to the time when the Gospel will unite the multitude of tribes now existing into one, and make them a great and powerful people again, who will become mighty instruments in aiding to bring about the redemption of Zion.

I will now confine myself more especially to the "Indian Territory" and its inhabitants. The said Territory is located to the south of Kansas, west of Arkansas, and the south-west corner of Missouri, and north of Texas. It is a very fine country, well watered and timbered, has an abundance of summer and winter range for stock, and, as a general thing, is a rich farming country. Fine large prairies, covered with luxuriant grass, afford abundant food for large herds of cattle in the summer, while the bottoms and cane-brakes near the rivers produce food and give shelter for the winter. The climate is temperate, although not so mild as in the same latitude west of the Rocky Mountains. It lies in the same latitude with our southern Utah and northern Arizona. Some winters but very little snow falls, while I have also seen 18 inches of snow on a level, to lie six weeks on the ground, and

ice 18 inches thick in the rivers. To all those who are not acclimatized, attacks of the fever and ague are a common thing, and I have never known anybody to escape from it who has resided there long enough to contract the disease. Our much esteemed and lamented brother, Elder Orson Spencer, who visited the "Indian Territory" in the early fall of 1855, was attacked with said disease while there, returned to St. Louis, and finally died there Oct. 15, 1855, the fever having assumed a typhoid form some time previous to his death.

Elder Robert C. Petty died in 1856, and Elder Washington N. Cook in the fall of 1858, both missionaries from Zion in the "Indian Territory," which is inhabited chiefly by the following tribes or nations:—

The Cherokees, Creeks or Moskokees, Seminoles, Choctaws and Chickasaws, who in the aggregate number about 55,000 souls.

Those nations, with the exception of the Seminoles, have occupied the "Indian Territory" about forty years; they formerly resided in portions of the States of Tennessee, the Carolinas, Georgia, Alabama and Mississippi.

The Seminoles, who kept up a protracted war with the United States for many years, were finally compelled to leave the ever-glades of Florida, and have resided in the "Indian Territory" since about the year 1857. Their language is very much the same as the Creeks' language; in fact, the Creeks claim the Seminoles as a part of their own people. The Seminoles arrived from Florida while I resided among the Creeks, and they were given a portion of the Creek territory to live on, for which the Government compensated the Creek nation.

The languages of the nations who occupy the "Indian Territory" are, with the exception just named, entirely different from each other. For instance, the language of the Cherokees and Creeks, who have lived in adjoining sections of country for probably many generations, is entirely different one from the other, so much so that only a few words have any similarity at all.

In point of civilization the Cherokees occupy the first rank among all

the Indians of the United States. They are very much mixed with the white race, and it is my opinion that about one-half of them have Caucasian blood in their veins. The Indian blood and type very soon disappear by mixing with the white race, so that under some circumstances half-breeds are almost as white as some white people, and quarter-breeds can often not be distinguished from their white neighbors. But if it is a fact that their outward appearance soon changes and assimilates with the whites, yet they are *Indians* to the core, as far as their national feelings are concerned—they do not wish to be considered whites, but want to form an integral portion of the Indian race. Nevertheless, they have not retained the idle, savage practices of their Indian forefathers, but on the contrary, have partaken largely of the spirit of American enterprise. They all live in houses, which vary in design from a humble log-cabin to a fine brick mansion. Quite a number of them live in good, comfortable frame or log-houses, and not a few have indulged in the erection of brick structures. For a living they farm and raise stock; very few of them are mechanics, and when they want to build, they have to import white mechanics to do their work. Before the late civil war, they owned negro slaves, but now, as in the South, the result of the war has made the colored man free. But slavery among the Indians existed more in name than in fact, for they were generally kindly treated, more like members of the family than otherwise, and although they were bought and sold like in the South, yet their owners generally consulted their choice and interest, so that very little of that cruelty, which has attached to slavery in other countries, can be said to have existed towards the slaves among the Indians. It was more a patriarchal servitude, such as we read of in the Old Testament.

There are a number of grist and saw-mills in the country, and railroads now cross their lovely prairies, where once the lowing of cattle by day, and the howling of wolves by night, were almost the only sounds that could be

heard. They have a civil government of their own, which very much resembles that of our different States in America. They have a first and second chief as Executive Officers, a Council and House of Representatives in a legislative capacity, and Circuit and District Courts as a judiciary. There is no lack of native lawyers, law-suits and crimes, especially murder and manslaughter, which are only of too frequent occurrence. There is a great deal of the rowdy element among the half breed Cherokees, and as a great many of them carry pistols, and are only too fond of ardent spirits, they often get into quarrels, and resort to shooting, which often results in the killing of parties. Then the friends of those who were killed must have revenge, and thus blood continues to be shed to an alarming extent among that people.

The full-blooded Cherokees are less enterprising than their half-breed brethren; they usually content themselves with humble dwellings, little farms poorly tilled, and everything else in proportion. They are, however, more peacefully inclined, and it is seldom that difficulties of the above described class occur among them. They usually live in settlements by themselves, minding their own business. What I mean by settlements, is a cluster of places or farms from one-eighth to one-quarter of a mile distant from each other, with a school-house in some convenient central place. Regular towns there are but very few, and they are but small.

I should not forget to mention that the Cherokees are quite clever in the manufacture of their own clothing. They raise their own sheep, spin and dye their wool, and weave their own clothing. They are especially skillful in dying, and being fond of fancy colors, they produce some very handsome pieces of linsey or jeans. The improvement of stock has also received considerable attention, and as there are many sporting characters in that country, the breeding of racing stock has been made a speciality by a number of their sporting chiefs.

Sectarian influences are pretty well felt among the Cherokees, and the Baptists, Methodists and Presbyterians

form in the aggregate a considerable church among them. Still indifference is the leading feature among the people, therefore right zealous religionists are rarely met with in their communion. They are usually quite tolerant, and I do not remember a case of violence against any of our Elders from any of them. They are remarkable for their hospitality—all we needed to tell them was that we were ministers of the Gospel, when they would make us welcome to the best they had, and allowed us to stay just as long as we desired.

I will now turn to the Creeks. With them my experience has been the most extensive. They are a people for whom I entertain a high regard, and who, I believe, in the Lord's own due time, will become a faithful people in the Gospel. True, there are many sectarian influences among them, which will operate for a time against their receiving the fulness of the Gospel, yet I have faith to believe that a large remnant of them will be saved in this generation. They are not mixed with the white race a great deal, but unfortunately to some extent with the negro race. The negro is quite susceptible of receiving religious impressions, and therefore in our travels and teachings we often found them, and those who had negro blood in them, willing to listen to the truth and even embrace it. The Creeks also formerly owned negro slaves, who were kept with still greater leniency and indulgence than those kept by the Cherokees. This greater familiarity among the Creeks towards the negroes accounts for this larger percentage of negro admixture, which, although also existing among the Cherokees, does so to a much smaller extent.

The Creeks are a quiet, peaceable people, murder being rarely ever committed among them; they are also more industrious than their neighbors, the unmixed Cherokees, but inferior in enterprise to the half-breeds of that nation. The majority of them retain their old-time customs, and have no inclination to listen to religion with much favor. Among that class, which is quite considerable, sectarian ministers have utterly failed to make an impression. In my humble judgment,

they are the ones with whom the Lord will work in his own due time, and who will no doubt receive the truth with joy.

While in the Creek country I heard of a town chief by the name of Jack Randall, who could speak quite fluently the English language. He was a full spirited Creek of the class just referred to, and I was told by all who knew him, that it would be no use to talk to him about religion, for he had refused to join either of the denominations, all of whom, on account of his influence as a town chief, had sought his conversion, but entirely failed. I told my informants that there could be no harm in trying him, and so I went to his house and found him reclining on his bed, rather unwell. He was an old man of about 65 years of age, small stature, but intelligent-looking. I told him my business, he asked me to proceed. I gave him a brief account of our faith and principles, and while doing so, I could discover that his eyes sparkled with delight and that he listened with profound attention. I stayed with him about two hours and passed on, he inviting me to call again. In about two months I returned and found him and his wife working in the garden. He asked me to go into the house and said that he would soon follow. When he came in, he said: "I want to be baptized." It was then nearly night and we were half an hour's walk from the river and I said to him: "I presume it will be as well to wait until morning, as it will be dark very soon," to which he answered, that by "morning he might be dead;" therefore preferred making sure of it that night. I marveled at his sudden conversion, for one conversation is all we ever had on the principles of the Gospel, but the mystery was solved, when he told that many years ago, he had had a vision of a young man who told him many precious truths, which he believed and which were impressed forcibly upon his mind. Afterwards, when sectarian ministers came around and sought to convert him, he compared notes between their teachings and those of the young man with whom he conversed in the vision, and as there was quite a difference and he felt impressed

that the vision was of God, he refused to join any of their churches. When I came to him and opened out before his eyes the doctrine of Christ, his vision came fresh to his mind and the Spirit bore testimony to him that I taught him the same truths, which years ago were revealed to him in that vision. I felt to glorify God, and to accept it as one of the evidences, which God in his mercy has given me of the divinity of His Work.

On the 6th day of April, 1857, we held a Conference at the house of brother Randall, at which Elder Parley P. Pratt was present, it being the last Conference, which our illustrious and much lamented Brother attended just previous to his un-

timely death.

With the Choctaws, my acquaintance is limited, having made but one visit to their country. They enjoy, however, a good character and are said to be quiet and peace-loving like the Creeks.

North of the "Indian Territory" and in the direction of Jackson County, Mo., which is but about 250 miles from the Cherokee-line, the land is exceedingly rich, and although it is nearly all prairie and but very poorly timbered, yet in fertility it certainly cannot be excelled by any prairie country in the world. As good a country as the "Indian Territory" is, yet it cannot be compared with Kansas for the vast amount of rich prairie land.

THE REYNOLDS INDICTMENT QUASHED.

OPINION OF THE SUPREME COURT.

In the Supreme Court of Utah Territory, June term, 1875.

The United States,
Respondent,
vs.
George Reynolds,
Appellant.

Opinion
of the
Court.

Appeal from the 3rd District Court. Boreman, Justice, delivered the opinion of the Court.

The appellant was convicted of a violation of the statute of the United States of 1862 against polygamy. The appellant assigns as error the rejection of evidence offered by him to show that plural or polygamous marriage was part of his religion. This objection of the appellant, is, as we conceive, based upon neither reason, justice nor law, and therefore we dismiss it without further notice.

The principal difficulties in the case arise in reference to the constitution of the grand jury which found the indictment upon which this conviction was had. The most important of these objections to the grand jury was that which had reference to the number necessary to constitute a legal grand jury. This indictment was found by a grand jury consisting of twenty-three men. The appellant as-

signs this for error and claims that fifteen was the proper number to constitute that body.

The Act of Congress entitled "an Act in relation to Courts and judicial officers in the Territory of Utah," approved June 23rd, 1874, and which is commonly styled the "Poland Bill," provides (in sec. 4) for the making once a year of a jury list of two hundred names, from which the grand and petit juries for the District Court shall be drawn; and it requires that when a grand or petit jury is to be drawn for any term, the Judge of the District Court shall give public notice thereof, and shall preside at the drawing; and that the clerk shall put the two hundred names on separate slips of paper and place them in a covered box and thoroughly mix and mingle them, and that thereupon the United States Marshal shall draw from the "box such number of names as may have previously been directed by said judge," the grand jury to be drawn first; that a venire shall issue and the persons whose names are thus drawn shall be duly summoned before the term of Court; and that "the jurors so drawn and summoned shall constitute the regular grand and petit juries for the term for all

cases." It was under this act that the grand jury which found the indictment was procured.

Let us, then, first consider how the law stood at the passage of that act. In the well-known case of *Clinton vs. Engelbrecht* (13 Wallace) the Supreme Court of the United States, after referring to the power of the Legislature as extending to rightful subjects of legislation, say, "The method of procuring jurors, for the trial of cases is * * * a rightful subject of legislation and the whole matter of selecting, impanelling and summoning juries is left to the Territorial Legislature;" and further that "the action of the legislatures of all the Territories has been in conformity with this construction;" and still further, in another part of the opinion, "that the whole subject matter of jurors in the Territories is committed to Territorial regulation."

The general jury laws of the United States are not by express words made applicable to Territorial courts, and if they are to be considered as applicable thereto, it can only be so upon the theory that these Territorial District Courts are United States Courts. In the case of *Clinton vs. Engelbrecht* referred to, Chief Justice Chase, in speaking of such a theory and of the action of the Territorial District Court in selecting juries under the United States jury laws, said: "We are of the opinion that the Court erred both in its theory and in its action;" and in speaking, in the same case, of the Judiciary Act of 1789, he says, "The regulations of that Act in regard to the selection of jurors have no reference whatever to Territories. They were framed with reference to the States and cannot without violence to the rules of the construction be made to apply to Territories of the United States. For similar reasons no act of Congress respecting juries in United States Courts, enacted subsequent to the act of 1789, could be made to apply to the Territorial Courts, unless by some express provision to that effect. It is not shown, nor do we believe that it is claimed, that any such provision exists.

The position of the Supreme Court

of the United States, so broadly laid down, as before stated, is, as we conceive, well supported by the reasoning of the same Court in the subsequent case of *Hornbuckle vs. Toombs* (18 Wall).

When the act of Congress, termed the "Poland Bill," was passed, the Territorial jury laws and the United States jury laws were the same as when the decisions of the Supreme Court of the United States were rendered. We cannot therefore, in the face of the opinion of the highest tribunal of the nation to the contrary, say that, at the passage of the Act of Congress referred to, the general jury laws of the United States were applicable to Territorial Courts. The question then arises, did this Act of Congress change the rule? It certainly changed the rule so far as the two acts are inconsistent. It cannot be said that that Act, however, fixes the number necessary to constitute a grand jury. If the number drawn upon the order of the Judge fixes the number, then it likewise fixes the number of the petit jury. The language is alike in respect to both. If this construction be correct, a grand jury of thirty or any other number, less than two hundred, could be a legal grand jury in this Territory. Could Congress ever have intended any such thing? It is but reasonable to suppose that if Congress had intended to have fixed the number, it would have said so, and not left it to vague supposition. The purpose evidently was to allow the Judge to fix the number necessary to be drawn, out of which to make the jury, the jury to be of the number as then established by law.

It is claimed that if the United States jury law be not applicable, nor the number of the jury be allowed to be fixed under the "Poland Bill," yet that the act went far enough to repeal the Territorial law in respect to the number of the grand jury and allowed the Common Law to rise up to control the matter. This position, of course, can only be maintained upon the ground that the repeal is by implication merely, such repeals are not favored and will not be declared to exist except in case of inconsistent or incompatible enactments. We are

unable to perceive any inconsistency or incompatibility between the Territorial statute fixing the number of the grand jury and this Act of Congress. The Territorial statute seems rather to fill and supply a place not covered by the Act of Congress. A law which declares the number necessary to

constitute a grand jury is not inconsistent with a law which merely tells us how to get the number of jurors out of which to compose the jury. The laws are entirely reconcilable and consistent, and it is the duty of the Court to declare that both of them shall stand.

(CONCLUDED ON PAGE 461.)

DR. ROLLAND ON SALT LAKE CITY.

A few weeks since, Dr. Rolland, a young gentleman of liberal education and views, a graduate of the medical college of Philadelphia, and subsequently of London, England, paid a visit to this city, on his way to San Francisco. While here he made the acquaintance of Bishop Edward Hunter, who is from the same part of Pennsylvania as he. We find, in correspondence of the Doctor's published in a leading Pennsylvania paper, some of his observations about this city and its people. He says—

"I spent two days there among, what we gentiles have always been taught to believe, a most singular people. If any one has prejudice against the Mormon people for any cause except that of polygamy, they need only spend a little time among them to have it dispelled. The city itself is a credit to the judgment of a man more respected throughout the civilized world, than Brigham Young. Laid out at right angles, water running continually through the streets nicely shaded with both fruit and ornamental trees. The former thrive exceedingly well in the valley everywhere. Churches of nearly all denominations, fine hotels, stores competing with any eastern city, both in buildings and in display of goods, comfortable homes, etc. Of course the Mormon element predominates. I will not criticize their belief here, though since my sojourn in this city

I have met many Mormons with whom I talked freely on the subject of their religious belief. Among them one Bishop Hunter, an old resident of Delaware county. It may be of interest to many of his old acquaintances still living to hear something of this remarkable man, in his way. He is now in his 83rd year and weighs 240 pounds. Thirty seven years ago he left his home in Newtown, Delaware county, followed the Mormon people after accepting their doctrine as the true one, and passed through all their trials from State to State, until they settled here in the Western country, away from the contaminating influences of our Eastern civilization.

"The Bishop explained to me how men who have been married to their third and fourth wives have already committed polygamy; for the wives are supposed to be in the Spirit Land, where the husband will go and meet them, and associate with them, as he did on earth. I dined with the good old Saint and didn't feel embarrassed for some reason or other for being so near a heavenly body. He talked much and asked many questions about his old friends, the Hoods, Bartams, Pratts, Andersons, Vogdes', Lewis', old families of Newtown and neighborhood. He is anxious to come to the centennial. I hope he will; I know his old friends will greet him kindly."—*Deseret News*, May 27.

That individual who makes himself conspicuous on account of his principles and opinions, should be careful to render his moral character as unimpeachable as possible, otherwise he may injure the cause which he may intend to serve, more materially than one diametrically opposite to him in opinion.

THE LATTER-DAY SAINTS' MILLENNIAL STAR.

MONDAY, JULY 19, 1875.

JOURNALISM.

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"It is better to represent ourselves than be misrepresented by others." The Press is a powerful lever for good or for evil. Despots are afraid of it. Honorable men pray that it may be wise and just in its operations. It is very wrong to fabricate libels, and a crime of no small magnitude to put in circulation falsehood and error. How often we see virtue made to succumb to vice through the lust for gold—for worldly aggrandizement—mad ambition for power. The press to-day in Russia, Austria, and some other nationalities, writhes in bondage like a gagged slave. The Inquisitorial spirit of the "dark ages" when "catholicity" gagged the heart as well as the brain is still rife in certain quarters on the European continent. Priestcraft would warp the conscience till it were no more than a parched pea if it only had the power to do so. "Fall down and worship me;" is an all-prevailing sentiment with them. The happiness of the race—the regeneration of society—the elevation of humanity is the last thing thought of by aggressive rulers and a hireling priesthood. Proscriptive measures—partial legislation—confiscation—rapine and plunder have always been the policy of usurpers. They are afraid of enlightened views—they shun noble spirits—they crush out generous instincts and paralyze human progress. "Dagon" is their watchword—death to Intelligence their battle-cry. The rule of the wicked is drawing to a close—a brighter day is dawning. Liberty of conscience—free agency (God's great gift to man) political freedom, is our common birthright. Virtue forms the beauty of the countenance,—honesty of purpose the beauty of the heart. If the gilded gauze of false smiles and the silky cobwebs of sycophancy were torn from the face of modern society, what a skeleton of shame and horrid disgust would greet the eye! It is well to be true and noble in soul. Angels read our hearts as we read books. The Almighty fathoms our designs. He has a fatherly care for all of his children. The world of mankind have gone astray, far astray—office is sold to the highest bidder and merchandize is made of the souls of men. The poor are ground down by the rich; they perish without pity. The rich, like birds of prey, fatten on the spoil. Charity is not in their thoughts, they are opposed to light—opposed to right—opposed to Christian union—hence their antagonism to a free pulpit and a free press.

We have much cause to complain of Journalists for the manner in which they treat the subject they call "Mormonism," or in more appropriate terms the Theology of the Church of Jesus Christ of Latter-day Saints—the only Gospel, the organization and situation of that Church, in Utah. They,

when writing about the Saints, manifest by the way they treat the subject, that they are either culpably ignorant or wilfully wicked,—in either case they stand rebuked. In a day to come how will they give an account of their stewardship? How will they feel when they stand before God, “with a bright recollection of all their guilt,” to answer for the deeds done in the body, and for every evil thought, and for every evil word? Theirs will be a fearful position. Before that High Court of eternal justice the secrets of all hearts will be brought to light, exposed to view. There will be no smart lawyers hired, or allowed to plead for—culprits. Truth alone will prevail!

We would say to our friends, if you desire to know the truth, seek to obtain it from the proper source, for know ye that the Kingdom of God is averse to Evil. Our own ORGANS are truthful—Our pages are columns of facts—In them all may ascertain the true doctrine of the Church—its discipline—its true position—its holy mission. As the Gospel is preached by us in its all-prevailing fulness, how necessary it is that you should understand it—comprehend its true meaning—behold its power and participate in its blessings! In great mercy the Almighty has renewed His everlasting covenant through the agency of Priesthood with His children. All honest believers in the divine mission of the Son of God, will in due time form *one visible Body*. The people of God must be united on earth as they are in heaven. The one true faith will enable all to see alike, to walk alike, in sweet accord and Christian fellowship. The principles of the Gospel will bring about this desirable consummation of the sacrifice of Christ.

We would earnestly invite the Saints to peruse the publications of the Church. From their inspired pages you will obtain a thorough knowledge of the plan of salvation. Strength will be added to strength—faith to faith—wisdom to wisdom—power to power, and you will flourish in the pure life of true religion. When the mind is well stored with truth it is invincible. Saints acquainted with the Scriptures, and in possession of the Holy Ghost, are always prepared to advocate the word of God—to bear testimony of the restoration of the Gospel in these last days by a holy “Angel,” through the Prophet Joseph Smith.

The MILLENNIAL STAR! Let its bright rays of heavenly light gleam through the habitations of all Saints—that your minds may be illuminated—that your affections may be sanctified—that your hearts may be warmed by the fire of Zion. Let the love of God burn in your bosoms for the happiness of your children—the salvation of your friends. Seek to enlighten your neighbors. The Gospel is free for all—and all are called—Blessed are the chosen, for they shall dwell with God.

E. H.

NOTICE TO CONFERENCE PRESIDENTS.—The following is a list of reports, etc., that are required at this office, from every Conference in the British Mission—

1st. A monthly remittance of Tithing, Individual Emigration Deposits and Book Money.

2nd. A quarterly report of the income and expenditure of all Conference funds.

3rd. A half yearly report of the names of Tithe-payers, with amount paid by each person from January 1, to June 30, and from July 1, to December 31,

respectively. It is desirable that the name of the Branch to which each person belongs, be written opposite their names.

4th. A half yearly statistical report of the total number of Branches, Elders, Priests, Teachers, Deacons and Members; also the total baptized, excommunicated, dead and emigrated, dating from January 1, to June 30, and from July 1, to December 31, respectively.

In submitting the foregoing list to the Conference Presidents, we would respectfully intimate that it is requisite for such reports to be sent to this office, not later than the 10th of the month following that for which the report is dated, to enable us to make out our own reports in due time.

We have recently received numerous letters of inquiry from the Conference Presidents, for information regarding these reports, in answer to which we publish this notice, and would suggest that a copy be kept at every Conference house, for the guidance of successive Presidents.

EMIGRATION NOTICE.—We design to forward a company of Saints to Utah from this port on the 15th of September next. The fare for steerage passengers will be five pounds (£5) for adults: the through fare to Ogden for adults will be £14 16s. Saints improve the time.

ARRIVAL OF THE IDAHO.—By politeness of Mr. George Ramsden, we are able to announce the arrival of Guion & Co.'s United States Mail Steamer *Idaho*, at New York, on Tuesday, 13th inst., at 6 p.m. A company of 765 persons sailed on that ship June 30th, bound for Utah. We feel thankful for all blessings.

CORRESPONDENCE.

AMERICA.

Provo City, June 20, 1875.

Prest. Joseph F. Smith.

Dear Brother,—Having written to you at New York in relation to the progress of the 12th May Company, we now feel very grateful in being able to state, that through the providence of the Almighty, our company arrived home in safety in a few hours over three weeks' time from Liverpool.

After leaving New York, and on the evening of May 25th, having our people all comfortably fixed in five cars, and as we were informed our baggage put into a box car, sealed up so it would not be opened until we got to Omaha; we left Jersey City station at 7:15, with 186 souls—nine persons having been added to our numbers at New York. We left Adam Touzer and Andrea Horstead, they having been booked to New York only, and no money being there for them to go

on. Also James Edwards, who did not expect to go further at present. Brother Staines took charge of sister Horstead until she could send to Utah for her money.

The weather being warm and pleasant, the country out in all its splendor, the Saints comfortable and happy, enjoying the beautiful scenery as we passed along, felt grateful to Almighty God for His goodness and their deliverance thus far. At several of the towns through the States, there seemed to be quite an interest manifested, in that the Mormons were still gathering their people to Utah, many coming and asking questions on different subjects in which we took pleasure in giving the desired information.

From State Line, Indiana, to Council Bluffs, we traveled as a special train, arriving there on Saturday, May 29th, at 3 a.m., where we found five passenger cars well cleaned and fitted awaiting us. We transferred our people

into them, and at 3:30 was at Omaha.

Mr. Latey, by arrangement with brother Staines, was prepared with bread and other provisions, which were furnished at tolerable fair rates.

Mr. Thos. L. Kimball, general passenger and ticket agent U. P. R. R. at Omaha, was very kind and courteous, also Mr. Traynor, the baggage agent, who took the matter of forwarding our baggage by express to Ogden, in hand, the same having been by some means detained at Pittsburgh, and was behind us some 24 hours at Omaha. This was some annoyance to us, as we could not learn as to how much extra baggage we had until our arrival at Ogden, yet we knew we had some.

We left Omaha 29th May, at 5:24 p.m., well fixed and all in the enjoyment of good health and spirits. Had a heavy snow-storm for about 70 miles in the Black Hills on the evening of May 31st and morning of June 1st.; arrived at Ogden June 2nd, at 9 p.m. We soon learned that part of our luggage had arrived, and by mistake had been sent East again, but was expected back on the June 3rd evening train. We also had \$177 charged up to us as extra luggage, for all of which we could not account and are still of the opinion there was some mistake somewhere, but as we could not now help ourselves, we had to let it go. This necessitated our weighing the luggage and collecting the amount required from those who had overweight, which we accomplished.

On our arrival at Ogden, many of the Saints were there to meet their friends and take them to their homes. In going down to Salt Lake City by the morning train, June 3rd, the company was met by Presidents Young and Wells, also a goodly number of the brethren, at Farmington, who came to meet them, and each walked through the cars shaking hands and kindly welcoming the Saints home, in which all felt very thankful. At the depot on the arrival of the train, the new comers were soon provided for and taken care of.

We do not know of having lost one box or parcel belonging to the company. We had no sickness other than slight colds—no deaths; had a very agreeable trip, the officers and conductors

of the several railroads being very kind and showing us every accommodation in their power.

Finding our families in the enjoyment of health, and grateful in being again at the home of the Saints, we thank the Lord for His blessings.

Ever praying for the welfare of Zion at home and abroad, and feeling desirous for your happiness and those associated with you in your labors, we remain your brethren in the Gospel of Peace,

H. S. GOWANS,
L. JOHN NUTTALL,
HENRY HUGHES.

ENGLAND.

Durham, June 23, 1875.

Prest. Joseph F. Smith.

Dear Brother,—I left Liverpool May 21st last, on a visit to my friends at New Swindon and London. I had a very pleasant visit with them after an absence of twenty-four years. From London I proceeded to Scotland, by sea, to visit the scenes of my boyhood, the play-grounds and school-house where I went when a little child. The hand of time during the last thirty-three years has done little to erase these bright spots of youth from the tablets of my heart. Death has done more amongst the ranks of my school-mates. I found only one that I went to school with.

My visit to my relatives in Scotland was a very pleasant one. I was well received by them. I regret to say, however, that they manifested but little desire concerning the Gospel. Many questions were asked about the mineral resources of Utah, and secular matters.

On the whole I enjoyed my visit to my relatives and friends, and I trust that the seed sown on this visit may at some future time bear good fruit.

I visited Edinburgh and spent several days examining registers of births and deaths. My researches were to a certain extent successful.

Last week I arrived at Hebburn, Newcastle-on-Tyne, and was well received by sister Newton, an old acquaintance of mine.

About an hour after my arrival, Prest. McFarland came home and was

glad to see me and I was pleased to see him.

Last Sunday morning I left Hebburn in company with brother McFarland, by train for Sunderland. From thence we walked to Haswell, twelve miles, where we held two meetings—one in-door, the other in the open air; both were good meetings and well attended by strangers.

I have found a few Saints that I was acquainted with when I labored in this Conference twenty-two years ago. I am rejoiced to find my old friends still steadfast in the truth as revealed in these last days.

Kind regards to yourself, and my best wishes to all at 42.

Your brother in the Gospel,
A. GALLOWAY.

SCOTLAND.

Glasgow, June 28, 1875.

Prest. Joseph F. Smith,

Dear Brother,—As I intend starting for Zion on Wednesday, June 30th, permit me through the STAR to bear my farewell testimony to the truth of the Everlasting Gospel, as again restored to earth.

First, let me say that I was baptized at Edinburgh by Elder George D. Watt, March 21, 1841, and confirmed by Elder Orson Pratt, one of the Twelve Apostles. Brother Pratt ordained me an Elder, and so mightily did the Holy Spirit operate within me, that I commenced preaching in the streets of Edinburgh, the same day I was ordained.

Great has been my joy from that day to this, while engaged in the same work, and now, after thirty-four years of close and active experience, I again bear my humble testimony before God, angels and men, that I know Joseph Smith was a prophet of God, divinely appointed to restore the Gospel of Christ, that it might be preached as a witness unto all nations before the end should come. I know this fact through the revelation of the Holy Ghost to myself individually, besides witnessing, in hundreds of instances, the manifestations of the gifts of the Gospel, such as healing the sick, speaking in tongues, interpreting tongues,

casting out devils, prophesying, and witnessing the fulfillment of prophecy. It is the weight of such glorious testimonies, coupled with the strongest conviction of reason, that impels me Zionward. And having an earnest love of the truth, and a desire to learn more of the ways of the Lord and to labor in His service, it has been my wish for many years to gather with the people of God. I have been sending my children there as means could be procured, and now, thank God, all of us who are surviving hope to strike hands in Zion before summer draws to a close.

May we all remain faithful to the end, and may God bless his Israel everywhere, and inspire the honest among men to come to understanding, that they may escape impending calamities and gain everlasting life.

With many thanks for your personal kindness to me and mine, and praying for your health and prosperity, and for long life, I remain,

Your brother in the Gospel,
JOHN HUTCHINSON.

SWITZERLAND.

Bern, July, 7, 1875.

Prest. Joseph F. Smith.

Dear Brother,—It is with pleasure that I can report that the work of the Lord is steadily progressing in Switzerland, about twenty persons having been baptized since June 1st, making a total of ninety-three persons since January 1st of the current year.

The prospect is quite good for the future, and according to present appearances we may calculate on a steady increase for some time to come. New fields are being opened in different directions, and quietly and steadily the truth is marching onward.

Prest. Stucki has spent a short time in the north of Germany, where he has baptized five persons. There is at present considerable inquiry in the vicinity of Berlin. He will be back here in a few days. Elders Theurer and Walser are laboring in their respective Conferences and report encouragingly.

Ever praying for the prosperity of Zion and the spread of truth, I remain

with kind regards to yourself, Elder
E. I. Young and all the brethren in
the Office, with high esteem,

Your brother in Christ,
HENRY EYRING.

THE REYNOLDS INDICTMENT QUASHED.

(CONCLUDED FROM PAGE 455.)

So far as the Act of Congress goes, it becomes exclusive as to all that it properly embraces, and if Congress is to be considered as having in this Act legislated upon the number of the grand jury, then, of course the Territorial Legislature is precluded from doing so. If that act supersedes the Territorial law now on the statute book as to the number of the jury, it would likewise exclude any future legislation upon the subject by the Territorial Legislature. But the Supreme Court of the United States say, that full authority concerning this matter was given to the Territorial Legislature by the "Organic Act." We cannot say, therefore, that this positive authority given by the "Organic Act" is negated by implication, when the Act of Congress does not embrace the point.

Under all proper rules of construction, therefore, we are forced to the conclusion that we must resort to the Territorial statute to ascertain what is the proper number for a grand jury. That statute declares fifteen to be the proper number and does not authorize a grand jury of any other number. The grand jury which found the indictment in the case before us, having been composed of twenty-three members instead of fifteen, was not such a grand jury as the law requires, and by not being properly constituted, its action became vitiated.

There are some minor points in the case which perhaps we should notice. One of the parties appearing as grand jury stated, upon his *voir dire*, in answer to a question by the prosecution, that he had conscientious scruples against indicting persons for violation of the law of the United States of 1862 against polygamy. On that ground he was challenged for cause, the challenge sustained and the party discharged and not sworn upon the grand jury. This action of the

Court, in excluding this party from the jury, is assigned as error.

A person who upon his conscience could not find indictments under a law, would not make a good jurymen to enforce the laws. And if all members or a majority of a grand jury had like scruples, that ancient and venerable body would not only become useless, but also an absolute hindrance to the enforcement of the law. A party having these conscientious scruples would, if sworn upon the grand jury, have to commit moral perjury. He, upon oath, admits that his conscience forbids his aiding in the enforcement of a specific law, yet as a grand jurymen he swears to go counter thereto, and enforce the law. Such a party would be wholly incompetent to sit upon a petit jury. And the same ground would exclude him from the grand jury. (Wharton's Am. Crim. L., sec. 469, Burr's trial, sec. 38.)

We think there was no error in the exclusion of this man from the jury.

It is claimed that the drawing and summoning of some of the grand jurors after the beginning of the term was error. So far as the drawing and summoning of jurors after the number of fifteen had been obtained, it was error, but so long as that number was not exceeded on the jury there was no error. If, from any cause, the jurors summoned prior to the term do not appear, the court is authorized, under the act referred to, to have such additional number summoned as the court may deem necessary to complete the panel. If those thus drawn do not appear, the court is not compelled to delay indefinitely, but can order the drawing of still a further number, if necessary, to complete the panel.

It is likewise asserted that one of the jurors did not pay taxes. He

had taxable property, however, and was ready to pay taxes. If he was not assessed and not thus allowed to pay taxes, it was not his fault, and he cannot be excluded from the jury box for failing to pay taxes.

All of the objections respecting the constitution of the jury were raised by the appellant in pleas in abatement.

The judgment of the Court below is reversed, and the cause remanded

to the Court below, with instructions to set the verdict aside and quash the indictment.

LOWE, C. J., concurs.

EMERSON, J.—The only doubt in my mind in connection with this case was in reference to the constitution of the grand jury, but upon a more critical examination of the subject, I very cheerfully concur in the result arrived at.—*Deseret News*, June 19th, 1875.

UTAH NEWS.

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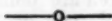
From the *Deseret News* :—

ANOTHER SUDDEN DEATH.—This morning (June 19th), the wife of Mr. J. Hawkin, trunk manufacturer, of the 11th Ward, Salt Lake City, dropped dead. Coroner George J. Taylor repaired to the residence of Mr. Hawkin, for the purpose of holding an inquest over the body.

THE FOUNDATION STONE.—It was expected that the foundation stone of the Z. C. M. I. new building would be laid, by President Young, at 3 o'clock this afternoon, June 18th. The President and a number of others visited the building site at the time specified for that purpose, but, on examination, the ground on the level of the excavation was deemed too loose and sandy for a building of such magnitude, and it was decided to dig deeper around where the walls will be reared and lay in concrete under the rockwork. The ceremony of laying the foundation stone was consequently postponed for the present.

A BRUSH MANUFACTORY.—A brush factory, on the co-operative plan, has been established by members of the Fourteenth Ward, and the premises are a little west of East Temple Street, in Martin's alley. It has been in existence about four weeks and is progressing satisfactorily. The association have secured the services, to conduct the factory, of Mr. William H. Miles, formerly of New York, a gentleman of extensive experience in the brush-making business. A stock of material has been imported, besides a quantity of that which can be obtained here, of home-production, and Mr. Miles has eight men and boys at work under his direction. Some of the kinds of articles being made are clothes' brushes, scrubbing, shoe, store, window, hat and laundry brushes; also a variety of painters' brushes and sash tools. Most of the handles and backs are made from home material, and the articles are as shapely and well made-up as those imported, and probably much more durable. In connection with this subject we think it well to allude to the fact that a material that enters very largely into the manufacture of various classes of brushes is tampico, which is mostly exported to New York, from the place of that name in Mexico, and from New York it is shipped here, and costs, laid down, nine dollars a hundred pounds. This same material, which needs but little preparation, grows abundantly in Southern Utah, the quality growing there being at least equal, in the opinion of Mr. Miles, to that raised in Tampico. Here, then, is an opening for enterprise, for surely it would pay somebody to cut, bale and ship to this city that material at less than \$180 a ton, which the imported stuff costs. It appears at first glance that it would pay well to export the article from here to some markets which now obtain their supplies indirectly from Tampico. The co-operative brush factory of the Fourteenth Ward will compete in the matter of prices with the eastern goods. The enterprise should be encouraged as a step in the right direction.

G E M S .



Aloft, on the throne of God, and not below, in the foot-prints of a trampling multitude, are sacred rules of right, which no majorities can displace or overturn.—*Charles Sumner.*

The way to escape sadness, when the light of one beautiful promise after another goes out, is to kindle in place thereof the light of one glorious reality after another.—*William R. Alger.*

Public opinion cannot do for virtue what it does for vice. It is the essence of virtue to look above opinion. Vice is consistent with, and very often strengthened by, entire subserviency to it.

The mind that is in harmony with the laws of nature, in an intimate sympathy with the course of events, is strong with the strength of nature and is developed by its force.—*Dr. Henry Maudsley.*

Thoughtfulness for others, generosity, modesty and self-respect are the qualities which make a real gentleman or lady, as distinguished from the veneered article which commonly goes by that name.

If you never judge another till you have calmly observed him, till you have heard him, heard him out, put him to the test, and compared him with yourself and others, you will never judge unjustly.—*Lavater.*

Why do you refer, in vindication of improper habits, to the generality of mankind, when they are the worst models of conduct? Why do you talk of custom, when it is the teacher of whatever is bad? Think for yourself, think impartially, and abide by what you perceive to be excellent; so that which was unusual will become habitual and easy; what was disagreeable will become a pleasure, and what was unfashionable will appear superior to all fashion.

Seek not great things, so as to forget those which the world calls little, but which, in fact, are the greatest; a prudent regard to a quiet conscience, to health, to peace, to kind and just behavior towards men; to piety and obedience to the will of God. These should be the first objects of pursuit. Riches and honors may be secondary objects, when held, as they ought to be, in due subordination to the first, when moderately desired, wisely used, and patiently resigned.—*Dr. Knox.*

Keep up your spirits by good thoughts. Enjoy the pleasant company of your best friends, but in all enjoyments be temperate. Learn the art, to be preferred before all others, of being happy when alone, which consists in the encouragement of good hopes and in rational pursuits, in leading an industrious life, and in having constantly before you some object of attainment. In your converse with the world be ever careful, for the sake of peace, to speak ill of no one, to treat your known enemy with civility, and to shut your ears against evil reports of all kinds.

Recollect frequently, nay, daily, that the only means of enjoying tranquility, content, and felicity, and of dying in the possession of these inestimable blessings, is constantly to seek after wisdom, and to practice industry and virtue; it is these which are the means of obtaining the comfort of a good conscience. Remember, that there exists no real source of happiness but in a cultivated liberal mind; in storing it continually with salutary precepts of virtue or religion; and in a strict conformity of conduct. Be assured, that the sooner you enter upon this path, the more charming and satisfactory it will be found.

It is the mind that makes rich and happy, in what condition soever we are, and money signifies no more to it than it does to the gods.—*Seneca.*